IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

WP(C).No. 14362 of 2006(I)

PETITIONER:

E.HASSAN, S/O. E.MOHAMMED,
ERAKKINGAL HOUSE, POST KALLADIPATTA,
PALAKKAD DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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1. ONGALLUR GRAMA PANCHAYATH,
REPRESENTED BY THE SECRETARY,
POST KALLADIPATTA, PALAKKAD DISTRICT.

2. ASSISTANT EXECUTIVE ENGINEER,
BLOCK OFFICE, PATTAMBI,
PALAKKAD DISTRICT.

R1 BY ADV. SRI.K.RAMAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

NO REPRESENTATION FOR THE PETITIONER. THE WRIT PETITION WILL STAND DISMISSED FOR DEFAULT.

20.9.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

SRD (TRUE COPY) P.A. TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 14362 of 2006

Dated this the 16th day of October , 2007

JUDGMENT

It appears to me that there is some genuineness in the grievance of the petitioner who is a contractor to the first respondent Panchayat for the construction of the "Panchayat Ghar". The work according to him was satisfactorily completed and the Panchayat Ghar which he constructed was inaugurated and the office of the Panchayat is presently accommodated in the said building. His grievance is that he has not received payment of the final bill.

2. The 2nd respondent has filed a detailed counter affidavit, in which in paragraph 3 it is stated as follows:

> The averment in paragraph 1 that the final bill already forwarded is not true. Actually the 2nd respondent handed over all the records such as M Book and revised estimate etc. to the first respondent Panchayat. The first respondent Panchayat has to take steps to approve the revised estimate from the DLTC and receive it back to the second respondent for preparation and submission of the final bill. Only getting the approval from the DLTC the second respondent can prepare the final bill. More over this the electrification bill from PWD Electrical Wing and Inauguration Stone bill from the Panchayat is also not received. These two bills are also necessary to prepare the final bill.

3. Heard Sri.T.Krishnanunni, the learned counsel for the petitioner and Sri.K.Ramkumar, the learned counsel for the Panchayat.

The learned counsel for the petitioner submitted that there is no complaint regarding the quality of the constructions made by the petitioner and the Panchayat offices are now smoothly functioning in the building which was constructed by the petitioner. The learned counsel further submitted that the petitioner is unable to raise funds for conducting the marriage of his daughter.

4. Having regard to the rival submissions addressed at the bar, this writ petition will stand disposed of in the following terms:

5. The first respondent Panchayat is directed to take steps immediately for getting approval of the revised estimate in question by the DLTC. The necessary steps in this regard will be taken by the Panchayat within two weeks of receiving a copy of this judgment. The DLTC, upon receiving the request from the Panchayat for approval of the revised estimate regarding the construction of the Panchayat Ghar will take a decision at the earliest and at any rate within one month of receiving the request from the Panchayat. Since the amounts are to be paid from the Panchayat funds, the Panchayat upon receiving approval will release the funds to the petitioner without further delay.

PIUS C. KURIAKOSE,

JUDGE.

Dpk